

In the  
Indiana Supreme Court



Charlie WHITE, In His Individual Capacity, and Thomas E. WHEELER, Bernard L. PYLITT, and Gordon DURNIL, As Members of the INDIANA RECOUNT COMMISSION,	)	Supreme Court Cause No.
Appellants,	)	<u>49502-1202-MI-73</u>
v.	)	Court of Appeals Cause Nos.
	)	49A02-1112-MI-1154
	)	49A02-1201-MI-1
INDIANA DEMOCRATIC PARTY, By Its Chairman, Daniel J. Parker,	)	Marion Circuit Court Cause No.
Appellee.	)	49C01-1012-MI-55881

ORDER GRANTING TRANSFER, CONSOLIDATING APPEALS  
AND PROVIDING FOR APPELLATE PROCEEDINGS

On January 6, 2012, the Appellee, Indiana Democratic Party, by its Chairman Daniel J. Parker, filed a "Verified Motion To Transfer Jurisdiction Of Appeals Before Consideration By The Court of Appeals And To Consolidate Appeals." On January 9, 2012, the Appellants, members of the Indiana Recount Commission, filed their own "Verified Motion To Transfer Jurisdiction Of Appeal Before Consideration By The Court Of Appeals." These motions request transfer, represent that expedited briefing is appropriate, and agree that the two pending appeals arising from the trial court's judgment of December 22, 2011, should be consolidated. Appellant Charlie White has not filed a response to either of those motions. On February 6, 2012, the Appellee filed its "Verified Emergency Motion to Lift Stay," requesting that the Court of Appeals vacate the trial court's stay of its December 22, 2011 judgment.

The Court has met in conference and discussed the above-referenced motions. The Court hereby GRANTS both motions for transfer and assumes jurisdiction pursuant to Appellate Rule 56(A). The Court ORDERS that the appeals initiated in the Court of Appeals under cause numbers 49A02-1112-MI-1154 and 49A02-1201-MI-1 are consolidated. The Clerk of the Supreme Court is directed to assign this consolidated appeal a Supreme Court cause number and transfer the chronological case summaries from the current Court of Appeals cause numbers to the new Supreme Court cause number. The Court DENIES the verified emergency motion to lift the stay.

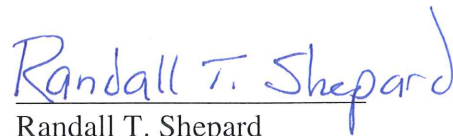
This appeal shall proceed pursuant to the following conditions and schedule:

1. Any Appellant's Brief shall be filed on or before **February 14, 2012.**
2. The Appellee's brief shall be filed on or before **February 21, 2012.**

3. Any Appellant's reply brief shall be filed on or before **noon** on **February 24, 2012**.
4. Briefs and other documents filed in this appeal must be filed **in person** at this Court's Clerk's Office, State House Room 216, 200 West Washington Street, Indianapolis, Indiana. Contemporaneously when filing any document with the Clerk of this Court, a party or counsel must also personally deliver a copy of the document to the Division of Supreme Court Administration, State House Room 315, 200 West Washington Street, Indianapolis, Indiana.
5. Service of any brief or other filing shall be completed either: (a) by personal service; or (b) if by U.S. mail or third-party commercial carrier, then also by e-mail attachment in .pdf format to opposing counsel. The three-day extension mentioned in Appellate Rule 25(C) shall not apply.
6. No extensions of time to file briefs will be permitted.
7. No exceptions from the page and word limits imposed by the Appellate Rules will be allowed.
8. Any attorney not admitted in Indiana who intends to file a petition for temporary admission in this case under Admission and Discipline Rule 3, section 2, shall begin the process immediately.
9. Oral argument is scheduled for **February 29, 2012**, at 9:00 a.m., in the Indiana Supreme Court Courtroom, 200 West Washington Street, Indianapolis, Indiana. Each side shall have thirty (30) minutes to present argument. Pursuant to Appellant Rule 53(B), the Appellants shall argue first and may reserve time for rebuttal.

The Clerk is directed to send a copy of this order to the Hon. Margret G. Robb, Chief Judge, Indiana Court of Appeals; the Hon. Louis F. Rosenberg, Judge, Marion Circuit Court; Elizabeth White, Clerk, Marion Circuit Court; Steve Lancaster, Court of Appeals Administrator; Danielle Sheff, Deputy Administrator, Court of Appeals; and all counsel of record. The Clerk of this Court is further directed to post this order to the Court's website.

Done at Indianapolis, Indiana, this 7th day of February, 2012.

  
Randall T. Shepard  
Chief Justice of Indiana